

1 Nick Mazanec
2 Special Deputy Sanders County Attorney
3 Special Assistant Attorney General
4 840 Helena Avenue
5 Helena, MT 59601
6 (406) 444-2040

7 Attorney for the State of Montana

FILED June 19 20 14
Candace Fisher
SANDERS COUNTY CLERK OF DISTRICT COURT
BY Bmckin
DEPUTY

8 MONTANA TWENTIETH JUDICIAL DISTRICT COURT, SANDERS COUNTY

9 STATE OF MONTANA,

10 Plaintiff,

11 vs.

12 DIANE M. KNERR,

13 Defendant.
14

Cause No: DC 14-23


MOTION AND AFFIDAVIT FOR LEAVE
TO FILE INFORMATION

James A. Manley

15 COMES NOW, Nick Mazanec, Special Assistant Attorney General and Special Deputy
16 Sanders County Attorney, and moves the Court for Leave to File an Information against the
17 Defendant for the crimes of COUNT I – THEFT BY INSURANCE FRAUD, common scheme, a
18 felony, in violation of Mont. Code Ann. §§ 33-1-1202(1), 33-1-1211(2), and 45-6-301(6)(a), and
19 punishable by imprisonment in a state prison for a term not to exceed 10 years and a fine not to
20 exceed \$50,000; and COUNT II – FORGERY, common scheme, a felony, in violation of Mont.
21 Code Ann. § 45-6-325(1), and punishable by imprisonment in a state prison for a term not to exceed
22 20 years and a fine not to exceed \$50,000. The crimes were committed in Sanders County,
23 Montana.
24

25 Said Motion is based upon the attached Affidavit.

1 DATED this 17th day of June, 2014.

2 
3 Nick Mazanec
4 Special Assistant Attorney General
5 Special Deputy Sanders County Attorney

6 A F F I D A V I T

7 STATE OF MONTANA)
8 :ss.
9 County of Sanders)

10 COMES NOW, Nick Mazanec, Special Deputy County Sanders County Attorney, and
11 being a person of lawful age, duly sworn upon his oath, hereby deposes and says:

12 I have reviewed the reports, evidence, and statements provided by the Office of the
13 Commissioner of Securities and Insurance, Montana State Auditor (CSI), and on the basis thereof
14 relate to the Court as follows:

15 From these sources, it appears that on April 10, 2011, a 1995 Mercury Villager minivan,
16 in which Diane Knerr was a passenger, collided with a deer. Dr. Robert Kaiser was driving the
17 minivan at the time of the accident. Kaiser is a licensed chiropractor practicing in Trout Creek,
18 Montana. Knerr and Kaiser are in a long-term relationship and have lived together for over a
19 decade. Kaiser carried automobile insurance with The Hartford Accident and Indemnity
20 Company (Hartford) at the time of the accident. This policy included medical pay coverage.

21 Following the accident, Knerr sought treatment from Kaiser, who prescribed a regimen
22 of chiropractic care and massage therapy. From April 12, 2011, through January 29, 2013,
23 Knerr saw two licensed massage therapists: Allison Robbins and Lillian Georgi. Both massage
24 therapists worked in Trout Creek in the same building as Kaiser's office. Knerr paid each
25 therapist in cash for services (usually \$50 per visit). The therapist then provided Knerr a billing

1 sheet listing service dates and charges, to submit to Hartford for reimbursement under the
2 automobile policy's medical pay coverage. Georgi provided Knerr pre-filled billing sheets,
3 while Robbins had Knerr complete the billing sheets herself. During the period in question,
4 Knerr submitted 18 billing sheets for Georgi's services, and 7 billing sheets for Robbins'
5 services. In total, Knerr billed Hartford for 271 massages.

6 In January of 2013, Hartford became suspicious of Knerr's billing activities, and ceased
7 claim payments for Knerr's massage therapy. Hartford's suspicions were initially raised by a
8 number of factors, including: (1) Kaiser and Knerr were in a relationship; (2) Kaiser was
9 currently providing chiropractic care for Knerr; (3) Knerr had been in a similar automobile
10 accident several months prior, and had claimed the same injuries; and (4) Kaiser had also treated
11 her for the injuries allegedly sustained in that accident.

12 Hartford then began an investigation into Knerr's claims. Hartford's claim investigator
13 compared Georgi's business records to the billing sheets Knerr had submitted for Georgi's
14 services. Several of the billing sheets included service charges for dates on which Georgi did
15 not see Knerr. Georgi herself confirmed that the billing sheets did not accurately reflect the
16 services she provided.


17 Hartford referred the case to the CSI for further investigation. CSI investigator Neil
18 Brunett compared Georgi's and Robbins' records to the billing sheets Knerr submitted.
19 Additionally, Brunett personally interviewed Georgi and Robbins, both of whom confirmed that
20 Knerr's billing sheets grossly overstated the services provided. Neither massage therapist was
21 aware that Knerr was altering the billing sheets. Brunett's investigation revealed that Knerr
22 received \$4,550 from Hartford for the fraudulent billing of 91 massages she did not receive
23 from Georgi. Knerr received an additional \$2,400 from Hartford for the fraudulent billing of 48
24
25

1 messages she did not receive from Robbins. In an interview with Brunett, Knerr herself
2 admitted to repeatedly altering billing sheets from both Georgi and Robbins.

3 From those facts, I believe there is probable cause to believe that within the jurisdiction
4 of this Court, the Defendant committed the crimes of COUNT I – THEFT BY INSURANCE
5 FRAUD, common scheme, a felony, in violation of Mont. Code Ann. §§ 33-1-1202(1), 33-1-
6 1211(2), and 45-6-301(6)(a); and COUNT II – FORGERY, common scheme, a felony, in
7 violation of Mont. Code Ann. § 45-6-325(1).

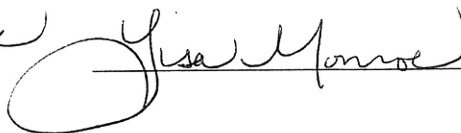
8 The State requests that a Summons be issued for the Defendant's appearance in District
9 Court.

10 DATED this 17th day of June, 2014.

11
12 
13 Nick Mazanec
14 Special Deputy Sanders County Attorney

15 SUBSCRIBED AND SWORN to before me this 17th day of June, 2014, by Nick
16 Mazanec.

17 State of Montana
18 County of: Lewis & Clark

19 
20

